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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,174	08/26/2003	S. Curtis Nye	15499.177.1	4442

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EXAMINER

CHAMBERS, MICHAEL S

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/648,174

Applicant(s)

NYE, S. CURTIS

Examiner

Mike Chambers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 24-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24 and 30-37 is/are allowed.
- 6) ☒ Claim(s) 1, 3-10, 13-16, 25-29 and 38-41 is/are rejected.
- 7) ☒ Claim(s) 2, 11 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 8/10 + 9/7

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

Claim 14 is objected to because of the following informalities:

In line 14: "brackets" should be -bracket--.

Claim 24 is objected to because of the following informalities:

In line 5: The term "a base the support structure" makes no sense

Appropriate correction is required.

### ***Election/Restrictions***

Applicant's election without traverse of claims 1-16, 24-30 is acknowledged.

Claims 17-23 have been canceled by the applicant.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3-10,13-16,25-29,and 38-41 are rejected under 35 U.S.C. 102(a) as being anticipated by Davis et al. Davis et al discloses

a basketball goal, a support structure being sized and configured to support the basketball goal above a playing surface; a base being sized and configured to support the support structure, and an adjustment assembly that is capable of being moved between a first position in which the portable basketball system is held in a generally fixed position relative to the playing surface and a second position in which the portable basketball system is readily movable relative to the playing structure, the adjustment assembly comprising: a bracket at least partially disposed within a recess in the base; an arm disposed proximate to the bracket, a link pivotally connecting the arm to the bracket; and a wheel assembly connected to the bracket and the arm; wherein at least a portion of the base contacts the playing structure when the adjustment assembly is in the first position (fig 6).

As to claim 3 : Davis et al discloses a wheel assembly (fig 4).

As to claim 4 : Davis et al discloses a U-shaped bracket (fig 4).

As to claim 5 : Davis et al discloses an axle with one or more wheels attached (fig 4).

As to claim 6 : Davis et al discloses an wheel attached to the base when moved from a first to a second position (fig 4).

As to claim 7 : Davis et al discloses an wheel attached to the base (fig 5, item 130).

As to claim 8 : Davis et al discloses a base where movement does not require substantial tilting of the base (fig 5).

As to claim 9 : Davis et al discloses a base that remains substantially parallel to the playing surface (fig 5).

As to claim 10 : Davis et al discloses a handle (fig 5).

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As to claim 13 : Davis et al discloses a ballast base (fig 2).

As to claim 14 : See claim 1 rejection.

As to claim 15 : Davis et al discloses a transport assembly rotatably attached to the base member (fig 6).

As to claim 16 : Davis et al discloses a handle (185).

As to claim 25 : See claim 1 rejection. Regarding the claimed feature of a slot, in as much structure set forth by the applicant in the claims, the holes in the device of Davis et al can be considered slots.

As to claim 26 : Davis et al discloses a ballast base (fig 2).

As to claim 27 : Davis et al discloses a base that contacts the playing surface (fig 5).

As to claims 28 and 29 : Davis et al discloses a wheel assembly with wheels (fig 4).

As to claim 38 : See claim 1 rejection.

As to claim 39 : Davis et al discloses a bracket at least partially disposed within a recess in the base (fig 6).

As to claim 40 : Davis et al discloses a bracket that can pivot relative to the base (fig 6).

As to claim 41 : Davis et al discloses a bracket (fig 6).

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Chambers whose telephone number is 571-272-4407. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Chambers  
Examiner  
Art Unit 3711

November 24, 2004

  
GREGORY VIDOVICH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700